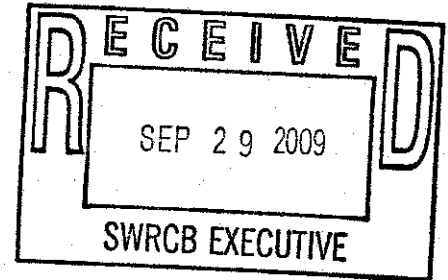




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901



Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

September 30, 2009

**Subject: Comment Letter - Power Plant Cooling Policy**

Dear Ms. Townsend:

We have reviewed the draft "Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling," dated June 30, 2009. We commend the State Water Resources Control Board staff for their work in crafting an approach that provides protection of coastal marine life and incorporates other State priorities such as the needs of the energy grid. Although we understand some minor changes to the draft may be necessary, we support moving forward with the adoption of this policy as soon as possible.

EPA Region 9 believes the draft policy is a robust approach that will provide substantial environmental benefits, while appropriately balancing other Statewide interests as well as the needs of the various State agencies and other stakeholders. We support the formation of an active Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS) as described in the draft policy.

As you know, EPA has not yet promulgated national regulations for cooling water intake structures at existing power plants, and a definite schedule for final rule adoption is not yet in place. If the State Board adopts this policy on schedule, EPA Region 9 Water Division is committed to working with the regulatory development team in Washington to coordinate EPA rulemaking with the California policy. We are hopeful the State Water Resources Control Board can adopt a final policy in December, and that the final Policy will serve to inform the national efforts to minimize the impacts of cooling water intakes on the environment.

EPA believes adoption of the policy is important not only to provide regulatory certainty and to minimize the environmental impacts of once-through cooling in the State of California, but also as a means of support for the NPDES program. The policy will provide a consistent framework which will allow the Regional Water Quality Control Boards to better manage the substantial workload of reissuing the expired

NPDES permits for these existing power plants. Keeping NPDES permits current is important to ensure permit quality and consistency throughout the State. According to EPA's records, one quarter of California's NPDES permits that expired during or prior to 2006, and are still expired, are power plants listed in the draft policy. If the policy is adopted, the Regional Water Quality Control Boards can finally move forward to reissue these long overdue permits.

If we can assist you in any way as you move forward with adoption of this policy, please let us know. I can be reached at (415) 972-3572.

Sincerely yours,



Alexis Strauss  
Director, Water Division